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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,851	06/20/2001	Alan Brett Conley	50325-0553	6237

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 02/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/886,851

Applicant(s)

CONLEY ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☒ Claim(s) 18-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Final Rejection Vacated:***

The finality of the previous office action is hereby vacated, Applicant's arguments having been found persuasive.

***Claim Objections:***

Claims 18-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "LAN and WAN" in claim 13 is used by the claim to mean "local area network and wide area

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network. The accepted meaning is WAN is a wide area network which has greater bandwidth than a LAN which is a local area network, refer Wheeler col 1, lines 14-25 and col 9, lines 23-26. The above terms are indefinite because Applicant's specification clearly redefines LAN and WAN. In fact the specification on page 12, paragraph states the following:

In an alternative approach, an interface is defined as an LAN interface if the then-current bandwidth exceeds a pre-determined threshold value, such that the interface is associated with a site, and interfaces having lower bandwidth are assumed to be WAN interfaces, which are consequently associated with site links.

Claims 14-23 are rejected because they depend from a rejected base claim.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 6,009,081 issued to Wheeler et al (hereafter Wheeler).

Claim 13:

Wheeler discloses:

- reading preprocessing information, the preprocessing information including override information for nullifying information associated with one or more sites or one or more site links from one or more router configuration files [col 10, lines 7-17]

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sub-network on a Local Area Network (LAN) interface and one or more site link references by identifying a Wide Area Network (WAN) interface wherein the override information is applied to the site and site link references [LAN per Fig 4, 107 and 108 and col 9, lines 15-22 and WAN per Fig 4, 132 and col 10, lines 54]

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler.

Claim 14:

Wheeler discloses the elements of claim 13 as noted above.

Wheeler fails to disclose reading a list of one or more router names from a source, wherein the source is a network management system, a database, or a router query result, generating a router name from the router configuration file associated with each of the one or more routers, comparing the one or more router names from the router configuration files to the list of one or more router names from the source and upon a router name from the router configuration files not being in the list of one or more router names from the source, generating an exception.

However, Wheeler discloses an exception database [col 17, lines 46- 52].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler to include reading a list of one or more router names from a source, wherein the source is a network management system, a database, or a router query result, generating a router name from the router configuration file associated with each of the one or more routers, comparing the one or more router names from the router configuration files to the list of one or more router names from the source and upon a router name from the router configuration files not being in the list of one or more router names from the source, generating an exception.

The ordinarily skilled artisan would have been motivated to modify Wheeler per the above for the purpose of providing a heuristic mechanism by which the invention determines that an entity is connected to the public network access point and is peering with public network access point providers [col 17, line 55].

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4. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler in view of US Pat No 4,853,843 issued to Ecklund (hereafter Ecklund).

Claim 15:

Wheeler discloses the elements of claims 13 and 14 as noted above.

Wheeler fails to disclose generating a temporary site name for each router name from the router configuration file associated with each of the one or more routers, and associating each of the one or more site references determined from the router configuration file associated with each of the one or more routers with the temporary site name for the associated router.

Ecklund discloses a temporary site name [col 16, lines 13-27].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wheeler and Ecklund to include generating a temporary site name for each router name from the router configuration file associated with each of the one or more routers, and associating each of the one or more site references determined from the router configuration file associated with each of the one or more routers with the temporary site name for the associated router.

The ordinarily skilled artisan would have been motivated to modify Wheeler per the above for the purpose of processing requests when failures occur [col 16, line 14].

Claim 16:

Wheeler discloses the elements of claims 13-15 as noted above.

Wheeler fails to disclose generating a partial site link for each of the one or more site link references determined from the router configuration file associated with each of the one or more routers and associating each partial site link with the temporary name for the associated router.

Ecklund discloses a temporary site name [col 16, lines 13-27].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wheeler and Ecklund to include generating a partial site link for each of the one or more site link references determined from the router configuration file associated with each of the one or more routers and associating each partial site link with the temporary name for the associated router.

The ordinarily skilled artisan would have been motivated to modify the combination of Wheeler and Ecklund per the above for the purpose of processing requests when failures occur [col 16, line 14].

Claim 17:

The combination of Wheeler and Ecklund discloses the elements of claims 13-16 as noted above.

The combination of Wheeler and Ecklund fails to disclose generating a sub-network reference based on each of one or more "ip route" commands in the router configuration file associated with each of the one or more routers, and associating each sub-network reference with the temporary site name for the associated router.

However, Wheeler discloses a router has a plurality of unique IP addresses that identify it, one for each of the directly connected networks [col 5, lines 47-49].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wheeler and Ecklund to include generating a sub-network reference based on each of one or more "ip route" commands in the router configuration



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file associated with each of the one or more routers, and associating each sub-network reference with the temporary site name for the associated router.

The ordinarily skilled artisan would have been motivated to modify the combination of Wheeler and Ecklund per the above for the purpose of providing a routing protocol [col 6, lines 13-20].

### ***Response to Arguments***

Applicant's arguments filed 1/26/03 have been fully considered and are persuasive. Applicant's arguments presented under 37 C.F.R. § 1.181 are persuasive but does not place instant application in a condition for allowance. Applicant is referred to supra new rejection which rejects the invention as being anticipated by Wheeler.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

2/9/2004



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